

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-11 are currently pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 4-11, and has objected to Claims 2-3 as being dependent upon a rejected base claim, but would allow Claims 2-3 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner has maintained the rejection of Claim 1 under 35 U.S.C. §103 (a) as being unpatentable over *Khan et al.* (U.S. Patent Application Publication No. 2001/0056560) (hereinafter *Khan*) in view of *Dorenbosch et al.* (U.S. 5,801,639) (hereinafter *Dorenbosch*). This is now the third office action in which this rejection has been made by the Examiner. As Applicants have set forth throughout the prosecution history herein, it is respectfully asserted that the Examiner is incorrect. Specifically, the Examiner repeated the contention that *Dorenbosch* teaches retransmitting as many times as the retransmission frequency. However, Applicants strongly disagree.

Applicants gratefully acknowledge the Examiner's grant of a telephonic interview with Applicants' counsel, Ryan C. Carter, Esq., which was held on August 15, 2006 and primarily regarded the Examiner's aforementioned §103(a) rejection of Claim 1. As was explained to the Examiner in the interview, Claim 1 sets forth a retransmission frequency and a retransmission request message that are transmitted to a transmitter, in response to which message the transmitter retransmits data blocks as many times as the retransmission frequency. The Examiner was given a detailed explanation of retransmission frequency in the present application, and was instructed that retransmission frequency herein concerns the amount of times the data blocks are retransmitted, as requested in the request message. As was strongly emphasized in the interview, under no circumstances does retransmission frequency in Claim 1 concern any cycles per second measurement or data rate. Instead, retransmission frequency is merely a number of times for data retransmission. Furthermore, Claim 1 recites that the data blocks are retransmitted as many times as the retransmission frequency.

In sharp contrast, as was further explained to the Examiner, *Dorenbosch* concerns frequency reuse, which is a data or baud rate measured in symbols per second (e.g., 1600 sps, as set forth in *Dorenbosch*, col. 4, ln. 47). The frequency reuse can be increased or decreased over a cluster of cells depending, for example, on the noise interference level. It is respectfully asserted that the passages cited by the Examiner (i.e., col. 4, lns. 54-59) teach that the controller can adjust the frequency reuse plan and transmission power plan to reliably transmit the third message to a selective call transceiver, in accordance with the signal quality level measured. Hence, as was respectfully contended to the Examiner, *Dorenbosch* clearly does not teach the recitation of Claim 1 disclosing retransmitting data blocks by the transmitter as many times as the retransmission frequency.

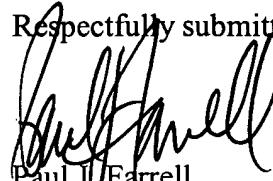
As was additionally asserted in the interview, the Examiner's obviousness statement makes it clear that *Khan* in view of *Dorenbosch* does not render obvious Claim 1, because including *Dorenbosch*'s reuse frequency with *Khan*'s system, as the Examiner suggests, would absolutely fail to teach or fairly suggest a retransmission frequency and a retransmission request message that are transmitted to a transmitter, in response to which message the transmitter retransmits data blocks as many times as the retransmission frequency, as recited in Claim 1. It is respectfully acknowledged that the Examiner stated at the conclusion of the interview, as well as in the Interview Summary, that the foregoing arguments would be taken into consideration upon receipt of Applicants' Response.

In view of the foregoing, Applicants respectfully yet strongly assert that there are clear and obvious distinctions between Claim 1 and the cited art. It is respectfully submitted that Claim 1 is clearly not taught or even fairly suggested by the combination of *Khan* in view of *Dorenbosch*, and the §103(a) rejection should thus be withdrawn. Withdrawal of the same, therefore, is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3, these claims are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, reconsideration and withdrawal of the objection to dependent Claims 2-3 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-11, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, and specifically, should the Examiner feel that such a call could clear up any issues that the Examiner may have as to what is being claimed, particularly in Claim 1 with respect to the "retransmission frequency" recitation, the Examiner is strongly urged to contact Applicants' attorney at the number given below.

Respectfully submitted,



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